

WILLIAM M. NARUS, CAB # 243633

Acting United States Attorney

District of Oregon

SEAN E. MARTIN, OSB # 054338

Assistant United States Attorney

1000 S.W. Third Avenue, Suite 600

Portland, OR 97204-2902

sean.martin@usdoj.gov

Telephone: (503) 727-1000

Attorneys for Defendants

UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

EUGENE DIVISION

THERESA BRADSHAW, *et al.*, Case No. 6:25-cv-00640-MC

Plaintiffs,

**DECLARATION OF HOLLY
JEWKES**

v.

HOLLY JEWKES, *et al.*,

Defendants.

I, Holly Jewkes, pursuant to 28 U.S.C. § 1746, declare as follows:

1. I serve the U.S. Forest Service as Forest Supervisor for the Deschutes National Forest in Bend, Oregon. I have held this position since 2019. As Forest Supervisor, I am responsible for the management, protection, and development of the Forest's resources. The Forest is approximately 1.6 million acres in size.

2. I began my permanent career with the Forest Service in 2000 and have served the agency continuously since then. A brief history of the positions I've held during my Forest Service career includes: Forest Supervisor, Deputy Forest Supervisor, District Ranger, District Recreation Staff, and Forestry Technician.

3. The Cabin Butte Vegetation Management Project ("the project") is located on the Deschutes National Forest. The project is focused on operations to reduce fire risk in this area which is very close to the City of Bend. The China Hat area is located in the project's midst and has had for years a significant number of unauthorized long-term encampments and human-caused fire starts.

4. In November 2022, the Forest Service prepared a final Environmental Assessment ("EA") to evaluate the potential

environmental impacts of the project's proposed forest restoration activities. Exhibit A is a true and correct copy of the EA located in the Forest Service's administrative files for the project decision.

5. The Forest Service authorized the project on January 31, 2023 when it issued a Decision Notice and Finding of No Significant Impact. Exhibit B is a true and correct copy of the Decision Notice and Finding of No Significant Impact located in the Forest Service's administrative files for the project decision.

6. During the National Environmental Policy Act ("NEPA") process for the project that culminated on January 31, 2023, none of the Plaintiffs in the present lawsuit submitted any comments or objections to the Forest Service. During this process, further, none of the Plaintiffs requested copies of the final EA or the draft Decision Notice and Finding of No Significant Impact.

7. To ensure safe and efficient implementation of the project, the Deschutes National Forest announced on January 16, 2025 that the project area would be closed to all public access and use for one year, beginning on May 1, 2025. Exhibit C is a true and correct copy of the press release announcing the public closure. I have also issued a forest order regarding the closure.

8. The Deschutes National Forest has implemented a campfire ban in the China Hat area from June 1 to November 30 each year since 2022 due to the number of unattended campfires experienced in the area. The area is fire prone. From 2020 to 2024, there were 95 fire starts in the project area. 90 were human caused. The map attached to my declaration as Exhibit D shows fire starts during the period 2020-2024. The area on the map bordered in blue is the project area, with the China Hat road area running in its midst.

9. On April 4, 2025, I signed a letter to Mr. Garrity and Mr. Hemingway, who are Plaintiffs in this litigation. A copy of my letter is attached as Exhibit E.

10. The Deschutes National Forest has already engaged with contractors to begin the vegetation management work necessary for the project. In August 2024, the Forest Service awarded the Mokki Integrated Resource Timber Contract to treat significant acreage in the project. Another project timber contract, the Hut Integrated Resource Service Contract, is expected to be awarded in May 2025 for significant vegetation management work. Work on that contract may begin in the next few weeks.

11. A delay in the May 1, 2025 project area closure would impact the ability for contracted work to go forward in a timely manner due to fire season Industrial Fire Precaution Levels (“IFPL”) restrictions. IFPL restrictions are an activity closure system designed to minimize wildfire risk during periods of increased fire danger.

12. The Deschutes National Forest will implement initial IFPL restrictions in May 2025. Then, while the exact date is not yet determined, late July 2025 is likely when it will be prudent for the Forest to essentially shut down timber and vegetation management operations under heightened IFPL restrictions due to seasonal fire conditions. Predictive Services staff out of the National Interagency Fire Center are predicting significant fire potential for the central Oregon region beginning in July 2025 because of warmer than average temperatures and lower than normal precipitation.

13. It is my judgment that the project’s restoration actions—including mechanical tree felling and fuels reduction and other active forestry actions such as prescribed burning and mowing—cannot occur safely or effectively with overlap with recreational day use and overnight camping in the area.

14. Any delay past May 1 in the project area closure will introduce the risk that contracted operations and agency operations will not be able to occur this year before the height of fire season and the associated restriction on forestry activities.

15. In addition to the above contracts, there are project operations that will need to be conducted prior to this summer's IFPL restrictions. These include mowing to prevent brush fires outside of the contract areas, and the clean up of a significant amount of trash and debris located in brushy/grassy areas. Attached as Exhibits F and G to this declaration are photos taken in 2025 by Forest Service personnel in the China Hat area, showing encampments and trash. Both mowing and clean up are important before prescribed fire actions can be implemented. Prescribed fire will likely be implemented in the fall of 2025 following mowing and clean up.

16. The May 1 closure is also important for the efficient use of limited public resources, as this date is prior to fire and high recreation use season when the Deschutes National Forest's staff and other resources are likely be pulled away to emergencies in other areas of the National Forest.

17. The Deschutes National Forest has engaged in numerous actions focused on addressing issues with the displaced homeless population in central Oregon, stretching back years. These actions include engaging with local social service agencies, and community partners including: the City of Bend, Deschutes County, the Coordinated Houseless Response Office¹ staff, the Deschutes County Sheriff's Office, and various local service providers. Attached here as Exhibit H is a copy of a letter I wrote in April 2022 to City of Bend and Deschutes County officials.

18. The Deschutes National Forest, with local service provider input, developed a one-page notification that Forest Service employees distributed to all the encampments in the China Hat area beginning in late January 2025. See Exhibit I. Forest Service employees have also provided a list of local service providers to the encampments. See Exhibit J. I understand that these local service providers have been actively working within the individuals in the encampments to provide information, support, and essential services as discussed on page 223 of the project's November 2022 EA.

¹ The Coordinated Houseless Response Office is a collaboration between Deschutes County and the Cities of Bend, La Pine, Sisters and Redmond.

19. The Deschutes National Forest has relied heavily on service provider experience and expertise to inform its path forward. Several service providers—including staff with the Deschutes County Health Department, Neighbor Impact, Coordinated Houseless Response Office and the U.S. Interagency Council on Homelessness—had clear recommendations:

- a. Do not piecemeal the closure by sub-area as it could lead to confusion and constant movement that would create additional stress for homeless individuals;
- b. Pick a date of the closure and do not change it. Changing the date would create additional stress and confusion;
- c. Give adequate notice so that homeless individuals have time to find alternatives with provider support.

These recommendations factored into the Forest Service's approach.

20. Site visits conducted in the past couple of weeks by me and other Forest Service personnel indicate that over 50% of the encampments have vacated the project area as a direct result of our outreach efforts.

21. The Deschutes National Forest considered several approaches to closing the project area including the concept of rolling closures. Part of the Forest's rationale for a single date set months in advance was

hearing service provider expertise and feedback that moving homeless individuals around within the project area would be stressful and confusing for those individuals.

22. The nature of the project also makes the notion of a rolling closure challenging. The Forest plans to have two project contracts operating across 10,000 acres in the next few weeks. Additionally, agency employees will be conducting mowing and prescribed fire activities in other locations in the project area. This work includes log trucks, heavy machinery, tree felling, and open fires—and all of these types of actions pose safety risks to anyone in the area. Further, prescribed fire operations are heavily dependent on weather conditions. Piecemealing the area closure will make it difficult to implement these operations because they would be newly dependent on whether an area is publicly occupied rather than by weather conditions.


23. The project area is largely flat and easily accessible by traditional recreationists and other forest users. Having physical barriers (gates and barricades) on the ground is critical to avoid safety issues. The gates and barriers are being installed and placed in locations that will best deter entrance into the area providing for the safety of the public and the contractors. These types of barriers take weeks to install and

are fabricated for the specific locations where they are placed. It is therefore not operationally feasible to piecemeal implementation of these types of barriers.

24. Rolling closures would also demand the continual presence of personnel to focus on enforcement of closed sub-areas. The Forest does not have law enforcement staff availability during fire season to continually focus on such a task.

25. Putting in place public lands closures for vegetation management projects is not new on the Deschutes National Forest. For example, the Forest instituted multiple closures in conjunction with ground operations in the West Bend Project area from 2015-2024. For the Cabin Butte project, the magnitude of the homeless encampment situation is a particular challenge for project implementation, and the Forest has put considerable thought and energy into taking what it believes to be a reasonable approach.

Executed on this 28th day of April, 2025.



Holly Jewkes

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was placed within a first-class postage prepaid envelope and deposited in the United States Mail within the offices of the United States Attorney or at a United States Post Office according to established office practice at Portland, Oregon, on April 28, 2025, addressed to:

Charles Hemingway
680 NW Bond Street
Bend, OR 97703-3274
Plaintiff Pro Se

Chris Daggett
680 NW Bond Street
Bend, OR 97703
Plaintiff Pro Se

Mandy Bryant
680 NW Bond Street
Bend, OR 97703
Plaintiff Pro Se

Penny Gartner
680 NW Bond Street
Bend, OR 97703
Plaintiff Pro Se

Theresa Bradshaw
680 NW Bond Street
Bend, OR 97703
Plaintiff Pro Se

/s/ Keith Ramsey
KEITH RAMSEY
Supervisory Paralegal Specialist